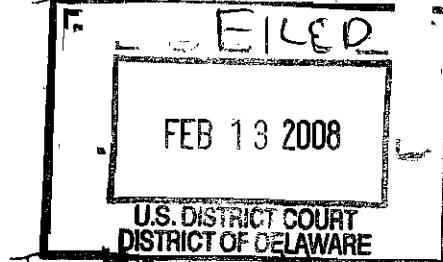


Michael Yost

323984



Case# 1:07-cv-838

Date 2-12-08

To Honorable, Sue L. Robinson

I writing with true and correct dockets, to express I've exhausted All state remedies. I Superior court return Motions 35 A Illegal sentence, saying I Never forward a copy to Attorney General which I did, and they said I never sign my Name which you can see is on the Motion, my Motion is in written Pro Se and is in Motion Form; Also I written my Rule 61 Postconviction Pro Se in the same Form as a Motion For Rule 61, with a extra paper because I needed more room, I believe this show that the Judge Marc Johnston is showing prejudice because my Motions are written in English And she still refuses to

Acknowledge pending motion Dated
back till Dec. 5th 2007

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

STATE OF DELAWARE

v.

Michael Yost

} I.D. 0608025346
} VN06-09-087301
} Date Received: January 23, 2008
}

Notice of Noncompliance

This will acknowledge receipt of your application for postconviction remedy. It has been recorded as received on the date indicated above. However, it is being returned to you because it does not comply with Superior Court Criminal Rule 61. See Super.Ct.Crim.R.61(C)(1). The reason for its return is as follows:

The remedy afforded by Rule 61 may not be sought by a petition for habeas corpus or in any manner other than as provided in Rule 61. See Rule 61(a)(2).

You must use the attached form.
See Super.Ct.Crim.R.61(b)(1).

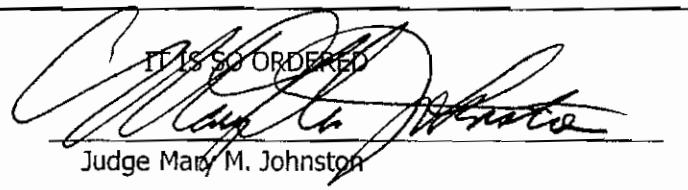
Your motion seeks relief from convictions entered at different times.
See Super.Ct.Crim.R.61(b)(3).

Your motion may not be filed until the time for taking an appeal from the judgment of conviction has expired or, if an appeal is taken, until the record has been returned to this court upon the completion of the appeal. See Super.Ct.Crim.R.61(b)(4).

Other: _____

1/28/08
Date 01/23/2008

NNCR61.FRM


IT IS SO ORDERED
Judge Mary M. Johnston

SUPERIOR COURT
OF THE
STATE OF DELAWARE

SHARON D. AGNEW
PROTHONOTARY, NEW CASTLE COUNTY

NEW CASTLE COUNTY COURT HOUSE
500 N. KING STREET
LOWER LEVEL 1, SUITE 500
WILMINGTON, DE 19801-3746
(302) 255-0800

MEMORANDUM

NAME: Yost, Michael E.

DATE RECEIVED: 01-23-08

DATE: 01-29-08

The Court has received your correspondence (letter or motion) requesting modification and/or reduction of your sentence.

Superior Court Criminal Rules of Procedure require that this correspondence (letter or motion) be served upon the Attorney General. Therefore, your correspondence is being returned to you.

You may resubmit your correspondence (letter or motion), but you must first serve it upon the Attorney General. If you resubmit your correspondence, it must contain a certificate of service upon the Attorney General. A sample certificate of service is attached. You must sign both the certificate of service and the motion itself. It is invalid without your signature.

Also enclosed is a copy of the proper form to be used when submitting Motions for Modification and/or Reduction of Sentence. You may use this form to refile your motion. If you decide to resubmit your motion, make sure you resubmit your original letter/motion (enclosed) with the VOIDED time stamp from the Prothonotary's Office to ensure your motion is considered filed within the 90-day deadline.

In The Superior Court and IN For
New Castle County

Michael Yost Jr.
SBI 323984

Case IN09-0873
0608025346

v
State of Delaware

Violation #
VN06-09-873-01

FILED
PROSECUTORIAL
2008 JAN 23 AM 10:27

Motion For illegal Sentence

VOID

35.A

Judge Mary Johnston sentencing Judge

Date Sentence Feb 1st 2007 original
Case: Violation Date 3-20-07 Level 4

Ground 1. I LLEGAL Detention

Original Order, I was sentence Feb 1st 2007
To 3 years level 5 suspended After 6 months
level 4 Homeconfinement Hold At level 3

Fact I was INCarcerated From Oct 15th 2006 until
release Feb. 3rd 2007 Never credited level 5
time toward Sentence. , what Makes
this illegal is.

Ground 2 VN06-09-873-01

3-20-07 resentence to whole 3 years sentence
3 years suspended For 90 days level 5, Follow
by 6months level 4 Hold at level 5 For level 4
Reimposed without Acknowledgement of

(2)

Previous level 5 time credited from Oct 15th 2006 till Feb. 3rd 2007 which now makes this a illegal sentence , AT Time of sentencing I Never owe Department of Correction 3 years .

Ground 2 Double Jeopardy As to case 060825346

I was giving the sentence of 3 years level 5 twice ONce Feb. 1st 2006 Than 3-20-07 For same offense . IF credit time From Oct 15th 2006 till Feb 1st 2007 I wouldnt owe 3 years again it would been less . Cause All level 5 Counts towards sentence

- VNG6-09-0873-01

Double Jeopardy As to case 0608025346 I was 3-20-07 to 3 years level 5 suspended for 90 days level 5 Follow by 6 month level 4 hold at level 5 , 90 days ended June 4th 2007 , H.R.Y.C I Release's me IN error of sentence of the violation , but to original ordered (Hold At level 3 For level 4) I should of been held At (level 5 For level 4) This is what interrupted the violation sentence , Now return to D.O.C June 21st 2007 For pending case , New charges pick up upon arrest , D.O.C Never contacted level 4 officials D.O.C . IN fact reimposed the judges order without new and correct order . which is without Merit . And is a illegal sentence because they were in error for the release And wrong sentencing Work sheet issue to level 4 . Plummier , Should of been violated .

Ground③

Violation of Due Process, Procedural Default

Being D.O.C. release me by error 6-4-07
interrupt sentence and in fact picked
up New charges upon arrest (Deem proper
Court procedural to take place on the interrupted
sentence, which should of been violated by
law, Procedural Default, Admin. Warrant level 4
Bail hearing v.OP sentencing. Sentence reimposed
by Judges orders.

Ground④

INEFFECTIVE ASSISTANCE OF COUNSEL

Feb 1st 2007

Raymond Baluliski Never ask the Judge
to credit from Oct 15th still Feb 1st 2007
Counsel was Fully aware of this issue
However didnt acknowledge, or mention
IN open court

Relief Sought

Correction of Sentence and release
From - Level 5 Custody, and probation
Dismiss Being I'm Serving Level 4
Probation at Level 5, or whatever the
Court Feels appropriate,

I Michael Post Jr. Swear under penalty
of perjury that All is true ful in this
35 A illegal sentence .

Michael Post
323 984

P.O. Box 9561
Wilmington Delaware
19809



P.M.S.
RAY

U.S. District court Boggs
Federal Court Building
844 King St
Wilmington Delaware 19801

1 serial 33515 0312

Michael Yost
SCCC 323484
SVOP/SWRU
23207 Dupont Blvd.
Geargetown, DE 19947